



CC:

BUILDING DEPT. ☐  
TOWN CLERK ☐

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**Regular Session**  
**Date: OCTOBER 25, 2004**  
**AGENDA**

7:30 p.m. – Roll Call

Motion to accept minutes of July 26, 2004, September 13, 2004 and September 27, 2004 meetings as written.

**PUBLIC HEARINGS:**

1. **GENARO ARGENIO (04-66)** Request for:

- 7 ft. Side Yard Setback
- 7 ft. Rear Yard Setback
- 3 ft. 6 inch Maximum Building Height
- No accessory building shall project nearer to the street than the principal building.

For proposed accessory building (storage shed) at 34 Sesame Street in an R-1 Zone (57-3-4)

2. **FRANK MALLOY (04-47)** Request for:

- 9 ft. Rear Yard Setback for existing attached rear deck and; (300-11-A-1-B)
- 5 ft. Side Yard Setback for existing shed and; (300-11-A-1-B)
- 5 ft. Rear Yard Setback for existing shed (300-11-A-1-B)

All at 67 Cedar Avenue in an R-4 Zone (16-4-33)

3. **DA ASSOCIATES LLC (FLANNERY ANIMAL HOSPITAL (04-67))** Request for:

- |                      |                         |                         |                                       |
|----------------------|-------------------------|-------------------------|---------------------------------------|
| <b>Façade Signs:</b> | One – 57 inch X 28 inch | <b>Freestanding #1:</b> | 4.7 square feet                       |
|                      | One – 24 inch X 30 inch | <b>Freestanding #2:</b> | 64 square feet and                    |
|                      | One – 19 inch X 42 inch |                         | approval for second freestanding sign |
|                      | One – 21 inch X 73 inch |                         |                                       |

All existing at 789 Little Britain Road in an R-4 Zone (4-1-11.2)

4. **RICHARD SCHULTZE (04-65)** Request for 10 ft. Side Yard Setback for proposed pool deck (300-10 bulk table) at 13 Cimorelli Drive in an R-4 Zone (7-1-13)

5. **WILLIAM GREEHEY (04-68)** Request for: 22 ft. Rear Yard Setback and;  
30% Developmental Coverage

For proposed 13 ft X 21 ft. addition at 2209 Revere's Run in an R-3 Zone (77-3-1)

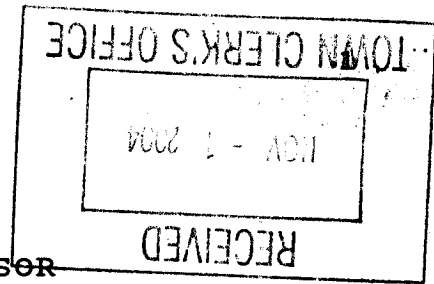
**FORMAL DECISIONS:**

**SMITH (04-50)**  
**HELLMAN (04-56)**  
**NOLTE & GOLDEN (04-59)**

**WHITE (04-49)**  
**GORGLIONE (04-57)**  
**ALVA (MONDOME) (04-55)**

**PERREGO (04-58)**

October 25, 2004



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OCTOBER 25, 2005

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
LEN McDONALD  
MICHAEL REIS  
JOSEPH MINUTA  
KATHLEEN LOCEY  
KIMBERLY GANN

ALTERNATE: MICHAEL REIS

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: STEPHEN RIVERA

REGULAR MEETING

MR. KANE: I'd like to call to order the October 25, 2004 meeting of the New Windsor Zoning Board.

APPROVAL OF MINUTES

MR. KANE: Motion to accept the minutes of July 26,

October 25, 2004

2

September 13 and September 27.

MR. MC DONALD: Make that motion.

MR. MINUTA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

GENARO ARGENIO (04-66)

Mr. Jerry Argenio appeared before the board for this proposal.

MR. KANE: Request for 7 ft. side yard setback, 7 ft. rear yard setback, 3 ft. 6 in. maximum building height for proposed accessory building, storage shed, at 34 Sesame Street.

MR. KANE: You want to do the same thing you did during our preliminary?

MR. ARGENIO: Right, Mr. Chairman, the only additional information I have for you is Mr. Reis had requested at the last meeting that I supply you folks with some photographs from my neighbor's property looking towards the area where I'd like to build the outbuilding and I have taken the liberty of here's the photos and if you look, there's an attached map, it shows, the attached map shows what position the photos are taken from. The second set of photos is a letter rather than a number.

(Whereupon, Mr. Reis entered the room.)

MR. BABCOCK: Jerry, would you have another copy for Mr. Reis?

MR. ARGENIO: Sure. Everything is the same, Mr. Chairman, nothing's changed, just a little additional information for you folks to consider when you make a decision.

MR. KANE: You want to proceed again, tell us exactly what you want to do? Same thing we did in the preliminary so we have it on the record, we have to repeat everything.

MR. ARGENIO: I understand. I need, since we have moved into that home five years ago or thereabouts we have continued to accumulate things, the garage is bursting with lawn implements and things of that nature and some of the stuff is actually stored outside. What I thought a good solution to be is to erect a shed, sizable shed somewhere on my property. The area I'm proposing we have deed restrictions in my neighborhood, Mr. Chairman, in the area I'm proposing the shed will be shielded screened if you will by a band of cedar trees on the corner of my property.

MR. KANE: That's photograph D?

MR. ARGENIO: I gave my last copy to Mr. Reis. Yes, that's looking from my neighbor's house to here across my neighbor's driveway, if I put it on the low side of the property, it's a bit steep and I'm encumbered in the rear of the property as you can see and if I'm able to achieve a variance, Mr. Chairman, I can tuck this building near the property line, it will be shielded from the cul-de-sac, shielded from view from the cul-de-sac by the cedar trees and there's also a foliage barrier as you can see in the lettered photographs from my neighbor's property in the back so my neighbor won't have to look at the shed either. And prior to approaching you folks to request the variance about a month ago, maybe a month and a half, I did personally visit all my neighbors to speak to them and tell them what I was going to propose to the Town to make sure they took no exception to what I was going to do and they responded favorably all of them.

MR. KANE: Not creating any water hazards or runoffs with the building of the shed?

MR. ARGENIO: No, Mr. Chairman, that area in the neighborhood is high and dry.

MR. KANE: Cutting down any substantial vegetation and

trees?

MR. ARGENIO: Again, no, Mr. Chairman, there's possibly two, maybe three cedar trees up in that cedar grove that I will cut down just to keep the foliage away from the building, the proposed structure.

MR. KANE: Are you on septic and well?

MR. ARGENIO: I'm on septic and well.

MR. KANE: Any easements in the area where the shed is going to be going?

MR. ARGENIO: No.

MR. MC DONALD: Will this be any higher in height than the main building?

MR. ARGENIO: No, it won't be, I think I did ask for a height variance as well. My intent there, Mr. McDonald, is to, I'd like to have a loft upstairs so I don't have to do this again in eight years or six years, I want to have the space, I intend to stay in New Windsor, my roots are here and I just don't have to do this again. I want to be done once and for all.

MR. KANE: Since this is a fairly big shed, are you going to have electric power going out to the shed?

MR. ARGENIO: Yes, I'm going to put power.

MR. KANE: Going to be on the same meter that the house is on?

MR. ARGENIO: Yes, sir.

MR. KANE: At this point, I will open up the public portion of the meeting and ask if anybody's here for this particular hearing? Seeing as there's not, then

we'll close the public portion and ask Myra how many mailings we had?

MS. MASON: On October 5, I mailed out 7 addressed envelopes and had no response.

MR. KANE: Okay, Joe, any other questions?

MR. MINUTA: No.

MR. MC DONALD: No.

MS. LOCEY: No.

MR. MC DONALD: Accept a motion?

MR. KANE: I will indeed.

MR. MC DONALD: Make a motion that we grant the variances to Mr. Argenio for his variance, 7 foot side yard setback, 7 foot rear yard setback, three foot six inch maximum building height on this proposed project.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE

MR. ARGENIO: Thank you for your time, Mr. Chairman, members of the board.

MS. MASON: Just read that over, tells you what to do next.

MR. KANE: Have a good day.

FRANK MALLOY (04-47)

MR. KANE: Request for 9 ft. rear yard setback for existing attached rear deck and 5 ft. side yard setback for existing shed and 5 ft. rear yard setback for existing shed all at 67 Cedar Avenue.

Mr. Frank Malloy appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. MALLOY: Okay, I'm asking for the setback for the rear deck of 9 feet, my existing shed there is in the bottom corner of the property five feet, five feet on the, if you're looking at the shed on the right side and five foot on the rear of the shed.

MR. KANE: How long has the shed been up approximately, if you don't know?

MR. MALLOY: Two years.

MR. KANE: Any complaints formally or informally about the shed?

MR. MALLOY: No.

MR. KRIEGER: The deck is existing too, isn't it?

MR. KANE: Yes.

MR. KANE: The deck itself, too, how long has that been up?

MR. MALLOY: Same two years.

MR. KANE: Did you build both?

MR. MALLOY: Yes.



MR. KANE: Get a building permit for them?

MR. MALLOY: In the process, actually.

MR. MINUTA: You're renewing the building permit?

MR. MALLOY: I had to renew it, I had one when it was being built and then it ran out.

MR. KANE: Create any water hazards or runoffs with either the building of the deck or the placement of the shed?

MR. MALLOY: No.

MR. KANE: Cut down any substantial vegetation or trees?

MR. MALLOY: No.

MR. KANE: And the same question for the deck I had for the shed, any complaints about it formally or informally?

MR. MALLOY: No.

MR. KANE: And the deck is similar in size, I mean the shed is similar in size to other sheds in your neighborhood?

MR. MALLOY: Yes.

MR. KANE: Would you consider it a financial hardship to move the shed?

MR. MALLOY: Yeah.

MR. KANE: Any easements in the area of either?

MR. MALLOY: No, nothing else.

MR. MC DONALD: Looking at the pictures is this mounted on blocks or something?

MR. MALLOY: It's actually on shale and the blacktop goes right up to it.

MR. KANE: Is there a back entrance coming out of your home?

MR. MALLOY: Is there one? Yes.

MR. KANE: If the deck wasn't there, would it be a safety issue?

MR. KRIEGER: Person without the deck would go out the back door and fall a considerable, fall enough to hurt themselves?

MR. MALLOY: Yeah, absolutely.

MR. KANE: Sometimes we kind of lead you.

MR. MALLOY: I didn't understand what you meant, the house is actually the front of the house is level with the road and the back of the house goes down on an incline.

MR. KANE: So you need some kind of deck there?

MR. MALLOY: To walk out the back door, correct.

MR. KRIEGER: So without the deck a person might have to call the fire department?

MR. MALLOY: Correct.

MR. KANE: The size of the deck similar to other decks in your neighborhood?

MR. MALLOY: Yes.

MR. KANE: At this point, I will open it up to the public and ask if anybody's here for this particular hearing? Seeing as there's not, we'll close it at this point. Do you remember how many envelopes you mailed out approximately since we got it out of whack?

MS. MASON: This was the second time these were mailed out, the first time he did not appear for the public hearing so the first time there were 56 addressed envelopes went out.

MR. KANE: And got no responses?

MS. MASON: No. We remailed them out and republished.

MR. KANE: No responses the second time around anywhere?

MS. MASON: No.

MR. KANE: Okay, Len, any other questions?

MR. MC DONALD: No.

MS. GANN: No.

MS. LOCEY: No.

MR. MINUTA: No.

MR. KANE: You were late so you have to sit over there.

MR. REIS: I have not questions, sir, thank you very much.

MR. KANE: I'll accept a motion.

MR. MC DONALD: I'll make that motion. I make a motion that we grant Mr. Malloy his variances for the 9 foot 3 yard setback for his existing attached rear deck, for his 5 foot side yard setback for the existing shed and the 5 foot rear yard setback for the existing shed all at 67 Cedar Avenue in R-4 zone.

MR. MINUTA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE

MR. MALLOY: Thank you very much. Have a good evening.

MS. MASON: Here you go, tells you what to do next.

DA ASSOCIATES LLC (FLANNERY ANIMAL HOSPITAL) (04-67)

Adam Rodd, Esq. and Ms. Sheryl Breau appeared before the board for this request.

MR. KANE: Request for one 57 in. x 28 in. facade sign, one 24 in. x 30 in. facade sign, one 19 in. x 42 in. facade sign, one 21 in. x 73 in. facade sign, one 4.7 square foot freestanding sign and one 64 square feet freestanding sign all existing at 789 Little Britain Road. Tell us what you'd like to do.

MR. RODD: Let me just introduce myself again, my name is Adam Rodd, with the law firm of Drake Sommers here on behalf of DA Associates. With me is Sheryl Breau, the office manager at Flannery Animal Hospital. In a nutshell what we have are four facade signs and two freestanding signs that have been in place for the past six years. We're simply seeking to maintain the status quo, the facade signs and the freestanding signs as they are I believe the board has photographs of the signs and I'm certain that all the board members are familiar with the layout of the property and what the signs look like, including the freestanding sign so we're simply here to obtain the board's approval to maintain what's there and has been there for the past six years.

MR. KANE: Okay, for the members of the board to break this down a little bit, I'd like to take the freestanding signs first, ask any questions we have on those and then we'll proceed to the facade signs. Is that okay?

MR. MC DONALD: Yes.

MR. KANE: The second freestanding sign that you want to put up is going to be similar to the first freestanding, the existing freestanding sign they're both the same, the two freestanding signs are both

existing and so--they're both the same height, same?

MR. RODD: The one on the Route 300 side is bigger, slightly bigger and the one on 207 is smaller and the one on 207 alerts drivers on 207 as to where the entrance is and it can be a little confusing depending on the direction that you're coming from on 207, it's a big lot, it's over 3 acres so that's, that sign alerts users where to enter.

MR. KANE: And you would say that particular sign on 300 is actually quite smaller than the other businesses around you?

MR. RODD: It is smaller than lots of other businesses in the surrounding neighborhood.

MR. KANE: And the sign, either sign does not inhibit view of traffic?

MR. RODD: Not at all.

MR. MC DONALD: Illumination on the signs, are they illuminated internally or externally?

MR. RODD: Externally.

MR. KANE: No flashing, no neon?

MR. RODD: No.

MR. KANE: Just a steady illumination?

MR. RODD: Correct.

MR. KANE: Mike, when we did the measurements for the entrance signs, did we square that up and bring it down with the 789, is that part of it?

MR. BABCOCK: Yes.

MR. KANE: So actually we have some space in there that's not, we're not really using.

MR. BABCOCK: This is a double sided sign, that's where we come up with 24.7 square feet.

MR. KRIEGER: And the lights for the exterior illumination don't shine in the eyes of any passing motorists?

MR. RODD: No.

MR. KANE: And another reason for the second freestanding sign is that the lot is so big and you have two, even though there's one big one there you have two separate entrances coming in and you need both from both streets?

MR. RODD: Correct.

MR. KANE: As far as the facade signs would you address those?

MR. MC DONALD: Can I make a correction? You only have one entrance sign, the other one's on 300, so the 207 one is the entrance sign, correct?

MR. RODD: Correct.

MR. KRIEGER: Only one entrance but need two identifications, one on 300, one on 207?

MR. RODD: Right. With respect to the facade signs, again, I believe the board has copies of what the signs are, they're all on the, facing the Little Britain Road side. One of the signs as you can see just simply lists the veterinarians who work at the facility. The other sign indicates office hours with an emergency number, the third sign simply says Flannery Animal

Hospital, identifies the facility and the fourth sign is simply the emblem, indicates that the facility is occupied by Practitioners of Veterinary Medicine.

MR. KANE: So you would consider 3 of the 4 signs to be essentially stating the doctors, office hours, Flannery Animal Hospital and the other one to be actually so small will be a little bit insignificant but necessary?

MR. RODD: Yes.

MR. KANE: Any illumination on these signs?

MR. RODD: No.

MR. KANE: At this point, I will open it up to the public and ask if anybody from the public is here for this particular hearing? Seeing as they're not, we'll go to Myra, how many mailings did we have?

MS. MASON: On October 5, I mailed out 16 envelopes and had no response.

MR. KANE: Okay, Joe, any further questions on your part?

MR. MINUTA: I have no questions of this one.

MS. LOCEY: No.

MR. MC DONALD: No.

MS. GANN: No.

MR. KANE: I'll accept a motion.

MR. MINUTA: Mr. Chairman, I'd like to make a motion that we grant DA Associates (Flannery Animal Hospital) for requested, we're just doing the freestanding at this point?



MR. KANE: No, we can do them all.

MR. MINUTA: All in bulk, the facade signs and bulk the freestanding signs.

MR. MC DONALD: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE

RICHARD SCHULTZE (04-65)

Mr. Richard Schultze appeared before the board for this proposal.

MR. KANE: Request for 10 ft. side yard setback for proposed pool deck at 13 Cimorelli Drive.

MR. KANE: You want to proceed? Similar to the preliminary hearing, tell us what you want to do.

MR. SCHULTZE: I want to replace an existing deck and expand just a slight little bit towards the property line, it's grade level to go around the existing inground pool.

MR. KANE: While we're just to note for the record while we're speaking about a deck, the deck is actually more of a patio directly right on the ground, it's not up in the air at all?

MR. SCHULTZE: No.

MR. KANE: It surrounds your pool?

MR. SCHULTZE: Yes.

MR. KANE: Any complaints about and you're going to bring it out to the side ten feet?

MR. SCHULTZE: Yes, towards the property line.

MR. KANE: And you understand if that was passed you'll still have is to pass all the building department's requirements as far as the deck and gating and fencing for the pool?

MR. SCHULTZE: Yes.

MR. KANE: Going to be creating any water hazards or

runoffs with the building of the deck?

MR. SCHULTZE: No.

MR. KANE: Cutting down any substantial vegetation or trees?

MR. SCHULTZE: No.

MR. KANE: Any easements in where you're going to extend the deck out?

MR. SCHULTZE: No.

MR. KANE: The deck itself although unusual, you wouldn't consider it abnormally big compared to other decks in your neighborhood?

MR. SCHULTZE: No.

MR. KRIEGER: How long has the pool been in existence?

MR. SCHULTZE: Not sure, I bought the house four years ago, it's 20 years I think maybe I'm guessing.

MR. KRIEGER: And it's not surrounded by a fence?

MR. SCHULTZE: Yes, it's got a chain link fence.

MS. GANN: How high is the fence?

MR. SCHULTZE: Five feet.

MR. KANE: At this point, I'll open it up to the public, ask if anybody is here for this particular hearing? If you would like to--

MS. GENTRY: I live at 5 Cimorelli Drive, just come to hear what it was about.

MR. KANE: Do you have any problems with him extending the deck around his pool?

MS. GENTRY: No, nobody is here who lives next to him so I guess we're okay.

MR. KANE: May I have your last name?

MS. GENTRY: Gentry, G-E-N-T-R-Y.

MR. KANE: Thank you very much. And at that point we'll close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On October 5, I mailed out 59 envelopes and had no response.

MR. KANE: Joe, any other questions?

MR. MINUTA: No. Accept a motion?

MR. KANE: Yes.

MR. MINUTA: Make a motion that we grant Richard Schultze his requested 10 ft side yard setback for the proposed pool deck located at 13 Cimorelli Drive in an R-4 zone.

MR. MC DONALD: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE

WILLIAM GREEHEY (04-68)

Mr. and Mrs. William Greehey appeared before the board for this proposal.

MR. KANE: Request for 22 ft. rear yard setback and 30% developmental coverage for proposed 13 ft. x 21 ft. addition at 2209 Revere's Run in an R-3 zone.

MR. MINUTA: Mr. Chairman, I'm going to recuse myself from this particular hearing, I have some business dealings with the couple.

MR. KANE: Will you tell us what you want to do?

MR. GREEHEY: Well, Mr. Chairman, here's some pictures, computer simulated, that show what the addition will be. It's a bump-out because of our lack of first floor room for any family activity, also we really don't even have a place for a Christmas tree in the current layout so anymore pictures needed? This will be occupying a space what's currently a cobblestone patio.

MR. KANE: You're going to be cutting down any trees or removing substantial vegetation in the building of the addition?

MR. GREEHEY: No, there's no vegetation whatsoever in our back yard, matter of fact, we have added about five or six trees and substantial number of rose bushes.

MR. KANE: Will you be creating any water hazards or runoffs?

MR. GREEHEY: Negative, we're on the down side, we're on the receiving side of water.

MR. KANE: Any easements running through where you want to put it?

MR. GREEHEY: Not through, we border an easement on the side for the pond.

MR. KRIEGER: Nowhere near this?

MR. GREEHEY: Plus that's not even, we have water in it now but when we first saw it, it was dry so it depends on how much rainfall we get at the time.

MR. KANE: And your feeling with the addition on your home is that it's not going to make the home overly big for the neighborhood?

MR. GREEHEY: No, matter of fact, I think ours is the smaller house in comparison. If it was as big as other houses, we wouldn't be doing it.

MR. KANE: Okay, at this point, they've got to be here for you, so we'll ask Joe, would you bring that so we can, Joe is going to bring a sheet just to get your name and address so we have it and at in this point, I will open it up to the public. I want to hear what you have to say. Any questions? Bring them up and we'll get them answered for you as best we can. Okay? So when you stand up, your name and address and then whatever you need to ask for whatever you want to state.

MR. NEAVIN: My name is Todd Neavin, I live at 2026 Independence Drive directly behind the property and I'm here today to request that the variance be denied for the reasons of and I will show you some pictures of some close in proximity, these, the homes already are there, this property as was testified that house that was designed and built by the builder unlike the other model in the neighborhood as a result of the fact that the particular lot is about a quarter of an acre and/or less, excuse me, a quarter of an acre. I reside directly behind, I spent a period of time waiting almost nine months for my house to be built because I

wanted that particular lot. I put substantial amount of money because it is water view, does have a water view, not quite an egress but a visual representation of the pond or the reservoir, if you want to call it that and in the process of this elevation and this increase not only will it bring his property closer to what is the property line but it will also start to reduce some of the view that some of my property has to that particular view. What I want to do, I also, I'm also in possession of two other letters from two other neighbors that were unable to make it today and I have some photographs representing the fence which is on the property line and photographs just to give you representation of the close proximity of that house in particular. And I guess in a nutshell, I'm fearful and I'm concerned that this allowance bringing that house that much closer to my line as it is the fact that the builder did not put one of the other models on this particular lot because of its lot size and its location shows me already that whether it was a decision between the Town and the builder, that they weren't allowed to do that could adversely affect the property value of my home if I choose to resell. I moved up here for the purpose of the size of house for the lot. I waited, the people that bought my house waited eight months beyond when I could have moved into another lot and I feel that this is going to negatively affect my situation. You can also see representation of the pictures, that's a sign that's to my knowledge was put in or I'm sorry the fence which separates the two properties which was put in without a building permit and in the process of doing that it adversely affected my builder to appropriately give me have the correct grade that was originally intended, as you can see, there's a storm water grate which is on my side of the fence but would also intersect and be part of his property so in the process of putting the fence up not only was the fence put up on the side of the storm sewer placing that fully on my side of the fence but that also it's created a problem for the builder as

they come through there that they haven't had absolutely 100 percent access to that particular space. You can see there's been a patio that's been shortly installed just recently and in the process of the extension not only will the patio have to be removed and the house will be extended and the patio also will be reinstalled and extended which will also make that closer to my property. So again in a nutshell, I feel that property and this change is going to severely encroach upon my lot line and in close proximity to the point where I can literally see the T.V. in any room as it is now, if you bring it back another 20 feet, I can imagine.

MR. KANE: Next?

MS. DIAZ: Good evening, Christine Diaz, I reside at 2804 Cherry Tree Way, which doesn't necessarily even see this property but maybe you can answer some questions too because some of the language is new to me so what I really need to know is how far from the property line, how much back yard will there be in the end with the addition?

MR. GREEHEY: Ours there will be I'll say at least 20 foot.

MS. DIAZ: Twenty feet from the end of the house to the end of the property line?

MR. GREEHEY: In one spot, yes because actually half of the, half of the new extension is within my building limit lines and the other half is what's being added.

MS. DIAZ: What's the shortest distance?

MR. BABCOCK: Eighteen feet.

MS. DIAZ: My particular concern is because I live in a lot now that has an odd shaped lot next to it, much



like this lot was so it's going to need a specific spec house on it to be built when that time comes and my concern ultimately is the precedent that this is going to set to allow the homes to be--

MR. KANE: There are no precedents set, every individual meeting is taken on its own merits so no worries there, we don't set any precedents, we take each individual application on its own merit.

MR. KRIEGER: You see in the eyes of the law every piece of real property is unique, however identical it may be, it may appear at first blush, it's all considered unique so this board is required by law to consider every application on its own merits and merely because they granted a variance for Property A does not mean that they have to grant a variance for Property B cause it's considered unique.

MS. DIAZ: Okay. That being said, I won't say the word precedent and I understand the law but I will say I'm concerned about the overgrowth of the community in terms of homes getting closer and closer together, we have small lots for the size homes we have as it is quarter acre for 3,000 square foot houses or 27,000 square foot houses, it's tight as it is so I would just ask that that be taken into consideration, we think about how close the homes already are because ultimately--

MR. KRIEGER: You should be aware as far as that concern is that the Town Board has recently dramatically increased the size of lots that are required for building.

MS. DIAZ: So now if we continue to allow additions to be put on the top of it, it gets tighter and tighter, it begins to look like townhomes.

MR. KRIEGER: Understand your point just passing along

some information you may not have had.

MS. DIAZ: Thank you. So that's it, that's just my concern that we're getting too close as it is. Thank you.

MR. KANE: Thank you. Anybody else? At this point, I'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: I mailed out 35 addressed envelopes on October 5 and had no written responses.

MR. KANE: Todd, were these meant for us?

MR. NEAVIN: Just speaking points, yes.

MR. KANE: I will add one into the record.

MR. NEAVIN: I know you didn't receive the mailings but the two being the fact that a few of the other neighbors that were in the radius that realized that I was coming to the meeting physically dropped those off.

MR. KANE: These are just responses.

MR. NEAVIN: I wanted to clarify that was in the record.

MR. KANE: Okay. William, do you want to address their concerns and how you feel?

MR. GREEHEY: Well, I mean, the proximity of houses I mean everybody is in there but quite frankly, if we can't get anymore room then we have to find another house someplace. This was a simpler solution, it's easier to stay and make an adjustment in the house than going and looking someplace else.

MR. KANE: Do you have any questions?

MR. MINUTA: I can speak on this?

MR. KRIEGER: He recused himself.

MR. KANE: No, you can't, sorry, I forgot. This is the home behind you?

MR. GREEHEY: Yes, that's Todd's house.

MR. MC DONALD: This is your neighbor's pool?

MR. GREEHEY: Yes.

MR. MC DONALD: Did we ever have this for a variance?

MR. NEAVIN: You have a building permit on it.

MR. MC DONALD: Are we right on this?

MR. BABCOCK: I don't have the file here.

MR. KANE: That's not what this is about.

MR. MC DONALD: I'm just wondering about it.

MR. KANE: What's this over here, this open property to the right of your house as you're facing your house?

MR. GREEHEY: This is the reservoir and pond area.

MR. KANE: How far up to this way does it come?

MR. GREEHEY: You'd have to look at the map, this is the fence running along here, that's the fence that's right here in the picture, it's going over to the side Town of Newburgh watershed area.

MR. KANE: Okay.

MR. BABCOCK: Do you have a copy of the tax map, Mr. Chairman?

MR. KANE: Yes.

MR. BABCOCK: Is it highlighted the lot? There you go.

MR. KANE: Kind of an unusual shaped lot.

MR. GREEHEY: Just the cul-de-sac took quite a slice out of the property.

MR. KANE: Okay, Lenny, any questions?

MR. MC DONALD: No.

MS. GANN: No.

MS. LOCEY: No.

MR. KANE: I'll accept a motion.

MR. MC DONALD: I'll make a motion that we grant the requested variances for Mr. William Greehey.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	ABSTAIN
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE

FORMAL DECISIONS:

1. SMITH
2. HELLMAN
3. NOLTE & GOLDEN
4. WHITE
5. GORGLIONE
6. ALVA (MONDOME)
7. PERREGO

MR. KANE: We have seven formal decisions, take them in total?

MR. MC DONALD: Make a motion that we approve all seven decisions in total.

MS. LOCEY: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. MC DONALD: So moved.

MR. MINUTA: Second it.

ROLL CALL

MS. LOCEY	AYE
MR. MINUTA	AYE
MR. MC DONALD	AYE
MS. GANN	AYE

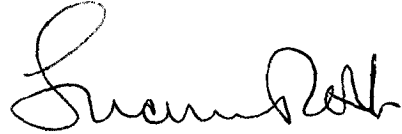
October 25, 2004

29

MR. KANE

AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth".

Frances Roth  
Stenographer

10/27/04